

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SRI INTERNATIONAL, INC.,)	
a California Corporation,)	
)	
Plaintiff and)	
Counterclaim-Defendant,)	
)	
v.)	C. A. No.: 04-1199 (SLR)
)	
INTERNET SECURITY SYSTEMS, INC.,)	
a Delaware Corporation,)	
INTERNET SECURITY SYSTEMS, INC.,)	
a Georgia Corporation, and)	
SYMANTEC CORPORATION,)	
a Delaware Corporation,)	
)	
Defendants and)	
Counterclaim-Plaintiffs.)	

**NOTICE OF DEPOSITION OF INTERNET ARCHIVE, INC.
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6)**

TO: John Horvath	Howard G. Pollack
Fish & Richardson P.C.	Michael J. Curley
919 Market Street, Suite 1100	Fish & Richardson P.C.
P.O. Box 1114	500 Arguello Street, Suite 500
Wilmington, DE 19899	Redwood City, CA 94063

PLEASE TAKE NOTICE that pursuant to Rules 45 and 30(b)(6) of the Federal Rules of Civil Procedure, Defendants and Counterclaim-Plaintiffs Internet Security Systems, Inc., a Georgia corporation ("ISS-GA"), Internet Security Systems, Inc., a Delaware corporation ("ISS-DE"), and Symantec Corporation ("Symantec"), through its undersigned counsel, will take the deposition by oral examination of Third Party Internet Archive, Inc. ("IA") on the topics set forth in the attached Schedule A, through one or more of its officers, directors, or managing agents, or other persons designated by IA to testify on its behalf. ISS-GA, ISS-DE and Symantec request that IA provide written

notice, at least five business days in advance of the deposition, of: (1) the name(s) of each designee who has consented to testify on behalf of IA; (2) the job title of each such person(s); and the topics set forth in Schedule A on which each such person(s) will testify.

The deposition will take place at the offices of Day Casebeer Madrid & Batchelder LLP, located at 20300 Stevens Creek Boulevard, Suite 400, Cupertino, CA 95014 on March 21, 2006 at 9:00 a.m., or at such other time and place as may be agreed to by counsel. The deposition will be taken before an officer authorized by the laws of the United States to administer oaths and will be recorded by stenographic and videographic means. The deposition will continue from day to day until completed, weekends and holidays excepted, with adjournments as to time and place as may be necessary. Some or all of the deposition testimony may involve real-time computer connection between the deposition taker and court reporter using software such as "LiveNote."

Dated: February 14, 2006

/s/ David E. Moore

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INTERNET SECURITY SYSTEMS,
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/s/ Richard K. Herrmann

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SRI INTERNATIONAL, INC.,

Plaintiff and
Counterclaim-Defendant,

SUBPOENA IN A CIVIL CASE

C.A.: 04-1199 (SLR)
District of Delaware

v.

INTERNET SECURITY SYSTEMS, INC., a Delaware
Corporation, INTERNET SECURITY SYSTEMS, INC.,
a Georgia Corporation, and SYMANTEC
CORPORATION, a Delaware Corporation,Defendants and
Counterclaim-Plaintiffs.TO: Internet Archive, Inc.
116 Sheridan Avenue
The Presidio of San Francisco
San Francisco, CA 94129☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. *(The deposition shall be recorded by stenographic and videographic means before a notary public or other officer authorized by law to administer oaths. Some or all of the deposition testimony may involve real-time computer connection between the deposition taker and court reporter using software such as "LiveNote.")*

See Schedule A

PLACE OF DEPOSITION Day Casebeer Madrid & Batchelder LLP 20300 Stevens Creek Boulevard, Suite 400 Cupertino, CA 95014	DATE AND TIME March 21, 2006 9:00 a.m.
-----------------------------------------------------------------------------------------------------------------------------	-------------------------------------------

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents and objects):

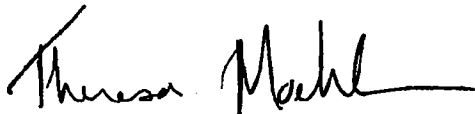
PLACE	DATE AND TIME
-------	---------------

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)



Attorney for Internet Security Systems, Inc., a Georgia Corporation and Internet Security Systems, Inc., a Delaware Corporation

DATE

February 14, 2006



Attorney for Symantec Corporation

February 14, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

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Renee DuBord Brown
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PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;
(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii)

of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect the person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

SCHEDULE A

DEFINITIONS

- A. "IA" means Internet Archive, Inc.
- B. The term "concerning" means referring to, relating to, describing, evidencing or constituting.
- C. "Any" and "all" shall be construed individually to mean each and every.
- D. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request any information or documents which might otherwise be construed to be outside of its scope.
- E. As used herein, "including" means "including but not limited to."
- F. As used herein, the terms "policy" and "policies" shall mean policies, established procedures, rules, or business methods.
- G. As used herein, the terms "practice" and "practices" shall mean customary or habitual procedures, schedules, policies, or business methods.
- H. The singular and masculine form of any noun or pronoun shall embrace and be read and applied as embracing the plural, the feminine, and the neuter, except where circumstances clearly make it inappropriate.

DEPOSITION TOPICS

1. The structure, function and operation of archival services operated by IA, including the Wayback Machine.
2. The method of collecting material for the archival libraries of IA, including the operation of web crawlers and/or other services, or applications used to search for websites.
3. The method of storing and retrieving material in the archival libraries of IA.
4. The method of associating date(s) with material archived in the archival libraries of IA.
5. The methods of preserving and maintaining the origin, the date and other data of material in the archival libraries of IA.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February, 2006, I electronically filed the foregoing document, **NOTICE OF DEPOSITION OF INTERNET ARCHIVE, INC. PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6)**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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Wilmington, DE 19801

Richard L. Horwitz, Esq.
David E. Moore, Esq.
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Additionally, I hereby certify that on the 14th day of February, 2006, the foregoing document was served via email on the following non-registered participants:

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